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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,338	01/30/2002	Robert G. Watkins	06975-232001	6135
26171	7590	07/07/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,338

Applicant(s)

WATKINS, ROBERT G.

Examiner

Thong H. Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-12,16-20,22-25,27-37,39-43,47-51,53-56,58-68,70-74,78-80,83-86,88-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-6,8-12,16-20,22-25,27-37,39-43,47-51,53-56,58-68,70-74,78-80,83-86 and 88-92.

1. Claims 1-6,8-12,16-20,22-25,27-37,39-43,47-51,53-56,58-68,70-74,78-80,83-86,88-92 are pending. Claims 7,13-15,21,26,38,44-46,52,57,69,75-77,81-82 and 87 are canceled.
2. This Office Action is response to the Continuation filed 5/03/06.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,8-12,16-20,22-25,27-37,39-43,47-51,53-56,58-68,70-74,78-80,83-86,88-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allahwerdi et al [Allahwerdi 6,928,558 B1] in view of Nelson et al [Nelson 7,062,655 B2].

3. As per claim 63, Allahwerdi discloses an apparatus for identifying an unauthorized client communication system seeking access to a host communication system [Allahwerdi, prevent unauthorized users from accessing the system, col 1 lines 15-25] the apparatus comprising:

a performing device structured and arranged to perform at a client, a first mathematical computation on an access password and a client-communication-system-specific identifier [Allahwerdi, a first password in the mobile station, specific identifier, abstract];

a receiving device structured and arranged to receive, at the host, from the client communication systems a client-communication-system-specific identifier and results of a (first) mathematical computation performed at the client on an access password and the client- communication-system-specific identifier [Allahwerdi, generating a second password at the server, abstract];

an accessing device structured and arranged to access, at the host, a password [Allahwerdi, searching database, abstract];

a performing device structured and arranged to perform a (second) mathematical computation using the accessed password and the client-communication-system-specific identifier received from the client communication systems [Allahwerdi, predetermined algorithm, abstract];

a computing device structured and arranged to compare results of the first and second mathematical computations or passwords [Allahwerdi, comparing the first and second password, abstract] ; and

a designating device structured and arranged to designate a client communication system as unauthorized based on the results of the first and-second mathematical computation or passwords, wherein the client-communication-system-specific identifier is derived from information that identifies at least a hardware component or aspect of the client communication system [Allahwerdi, device specific identifier, abstract].

However Allahwerdi does not explicitly detail the predetermined algorithm as the first and second mathematical computation.

In the same endeavor, Nelson discloses method and system for determining passwords using the algorithm including the first and second formula [Nelson, col 6 line 50-col 7 line 16]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the algorithm with the first and second formula or mathematical computation as taught by Nelson into the Allahwerdi's apparatus in order to utilize the algorithm.

Doing so would provide a quicker and more direct way to determine the passwords [Nelson, col 2 lines 1-3].

4. Claims 1,19,32,50 and 79 contain the identical limitations set forth in claim 63. Therefore claims 1,19,32,50 and 79 are rejected for the same rationale set forth in claim 63.

5. As per claim 2, Allahwerdi-Nelson disclose either the first or second mathematical computations comprises a hashing algorithm [Nelson, hashing table, col 1 lines 52; the algorithm including the first and second formula, col 6 line 50-col 7 line 16].

6. As per claim 3, Allahwerdi-Nelson disclose the first mathematical computation is performed when a communication is initiated [Nelson, initiated, col 6 line 3].

7. As per claim 4, Allahwerdi-Nelson disclose the access password comprises a subscriber password [Allahwerdi, subscriber specific identifier, col 3 lines 42].

8. As per claim 5, Allahwerdi-Nelson disclose the access password comprises a user password [Allahwerdi, user password, col 1 lines 15-25].

9. As per claim 6, Allahwerdi-Nelson disclose the access password comprises an account password [Nelson, user account, abstract].

10. As per claim 8, Allahwerdi-Nelson disclose the client-communication-system-specific identifier comprises a device-specific identifier [Allahwerdi, device specific identifier, abstract].

11. As per claim 9, Allahwerdi-Nelson disclose the device-specific identifier comprises a hard disk identifier [Nelson, disk device, col 3 lines 57].

12. As per claim 10, Allahwerdi-Nelson disclose the device-specific identifier comprises an Ethernet address [Nelson, local are network, col 3 line 30].

13. As per claim 11, Allahwerdi-Nelson disclose the device-specific identifier comprises a central processing unit serial number [Nelson, microprocessor, col 6 line 39].

14. As per claim 12, Allahwerdi-Nelson disclose the device-specific identifier comprises a description of the storage characteristics of the hard disk [Nelson, disk device, col 3 lines 57].

15. As per claim 16, Allahwerdi-Nelson disclose sending a notification to the client communication system indicating the designation of the client communication system as an unauthorized client communication system if the result of the first mathematical computation does not correspond to the result of the second mathematical computation [Allahwerdi, prevent unauthorized users from accessing the system, col 1 lines 15-25].

16. As per claim 17, Allahwerdi-Nelson disclose terminating communications from the client communication system if the result of the first mathematical computation does not correspond to result of the second mathematical computation as inherent feature of prevent unauthorized users from accessing the system [Allahwerdi, col 1 lines 15-25].

17. As per claim 18, Allahwerdi-Nelson disclose terminating communications is performed after a predetermined delay if the result of the first mathematical computation does not correspond to the result of the second mathematical computation as inherent feature of prevent unauthorized users from accessing the system [Allahwerdi, col 1 lines 15-25].

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18. Claims 20-25,27-31; 33-37,39-43,47-49,51,53-56,58-62; 64-68,70-74,78; 80,83-86,88-92 contain the identical limitations set forth in claims 2-6,8-12,16-18. Therefore claims 20-25,27-31; 33-37,39-43,47-49,51,53-56,58-62; 64-68,70-74,78; 80,83-86,88-92 are rejected for the same rationale set forth in claims 2-6,8-12,16-18.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

